

REMARKS

Responsive to the rejection of claim 24 under 35 U.S.C. § 112, first paragraph, this claim has been cancelled and new method claims 27 and 28 have been added which recite manufacturing steps clearly disclosed in the specification. For example, at page 4 of the specification it is stated that the filler neck one is preferably produced in that its section 6, 7, 7 are in one piece as a clastic part. At page 5, it is noted that the cap 4, together with the bottom 13, the wall 14 and the centering element 15 is constructed in one piece of a plastic material. In the last sentence at page 6 of the specification an alternative is manufacturing method is described involving gluing of the webs to the filler neck.

The rejection of original claims 1-3, 5-19 and 21-24 under 35 U.S.C. 102(e) as being anticipated by Zimmer et al, is hereby traversed and reconsideration thereof is respectfully requested in view of the amendments to the independent claims 1 and 25 and the following remarks.

First, it is noted that the rejection is unclear because claim 25 was not listed among the claims in the initial statement of the rejection. Also, since claim 21 depended from claim 20, which was not specifically rejected, this rejection is unclear. In any event, the independent claims 1 and 25 have now been amended to include the limitations of the previously presented dependent claims 20 and 21. The independent claims 1, and 25 clearly define novelty as compared to Zimmer et al. in that they specifically locate the sealing device and

also specifically recite that the inside diameter of the closing cap is larger than the outside diameter of the filler neck and the sealing device comes to rest on the exterior pipe surface of the filler neck. This arrangement is quite different from Zimmer, where two sealing devices 10 are provided on the pipe shaped continuation 4, and not in a transition area between the cap wall 7 and the cap bottom 3. As a result, in Zimmer et al. the sealing devices 10 are displaced while sliding along on the interior side 9 when the closing cap 1 is fitted on, leading to stressing of the sealing devices 10 when the closing cap 1 is removed and attached.

With respect to the rejection of originally presented claims 4 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Zimmer et al. in view of Ono et al., the following is noted. First, see the above remarks regarding the differences between the independent claims 1 and 25 and Zimmer et al. Further, with respect to claim 4, Zimmer expressly teaches away from this configuration, pointing out the disadvantage of these arrangements at column 1, lines 18-39. Thus it would not have been obvious to modify Zimmer as required to meet the terms of this claim. Claim 20 has been cancelled and incorporated in the independent claims 1 and 25. This feature of the originally presented claim 20 as to the location of the sealing device in a transition area between the bottom and the wall of the closing cap in a filler device having a combination including a centering element at the cap and a countercentering element at the filler neck would not have been suggested to one of ordinary skill in the art based upon the

Zimmer and Ono et al. teachings. In Ono, a fuel cap is provided which is specially designed with upper ceiling ring 10 and lower ceiling device 11, arranged to specifically adapt to preventing vapor leakage in the case of a bayonet-type closure. Thus in Ono et al., it is disclosed as important that the lower ceiling ring 1 be engaged even after the release of the upper ceiling ring 10 (see column 5, lines 24-36) of Ono et al. Thus, if one were to somehow substitute the sealing arrangement of Ono et al. and Zimmer et al., the Zimmer et al. assembly would have to be substantially modified in a manner that is neither disclosed nor suggested in either of the references.

In view of the foregoing amendments and remarks, reconsideration and favorable action on all of the claims is in order and respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52386US).

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